

Message Text

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PAGE 01 TRIPOL 01123 251319Z
ACTION CPR-01

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TO SECSTATE WASHDC 4693

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FOR PROTOCOL

E.O. 11652: N/A
TAGS: PDIP
SUBJ: HOST COUNTRY REQUIREMENTS FOR AUTOMOBILE LIABILITY
INSURANCE

REF: STATE 189095

1. THE FOLLOWING INFORMATION IS PROVIDED REGARDING HOST
COUNTRY REQUIREMENTS FOR AUTOMOBILE INSURANCE; HOWEVER,
DEPT SHOULD BEAR IN MIND THAT LOCAL LAW IS UNCLEAR ON MOST
OF THE POINTS RAISED IN SUBJECT REFERENCE.

A. YES, THERE IS COMPULSORY LIABILITY INSURANCE
REQUIRED FOR ALL AUTOMOBILES REGISTERED IN LIBYA.

B. THERE ARE NO FIXED MINIMUM COVERAGE AMOUNTS OF
INSURANCE. LOCAL PRACTICE IS THAT INSURER IS OBLIGED TO
PAY THE AMOUNT SPECIFIED BY THE COURT FOR DAMAGES ARISING
FROM VEHICLE ACCIDENTS - UNLIMITED LIABILITY FOR PERSONAL
INJURY AND \$34,000 MAXIMUM FOR PROPERTY DAMAGE. IT IS
UNCLEAR HOW THIS REQUIREMENT WOULD BE ENFORCED WHEN
DIPLOMATS ARE INVOLVED.

C. NOT APPLICABLE.

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D. NOT APPLICABLE.

E. LOCAL PRACTICE IS THAT PLAINTIFFS DO NOT
DIRECT LEGAL ACTION SOLELY AGAINST THE INSURER, BUT
RATHER FILE JOINT SUIT AGAINST THE INSURER AND INSUREE
CONCURRENTLY.

F. SEE E ABOVE. INSURED (INCLUDING DIPLOMATS)
IS REQUIRED TO COOPERATE WITH THE COURT IN RESOLVING
DAMAGE/LIABILITY CLAIMS.

G. WHILE POST KNOWS OF NO SPECIFIC INSTANCES,
LOCAL INSURANCE REPRESENTATIVE ADVISES THAT IT IS
COMMON PRACTICE FOR DIPLOMATS TO WAIVE DIPLOMATIC
IMMUNITY FOR THE PURPOSE OF COOPERATING WITH THE
INSURER AND COURT IN REACHING SATISFACTORY
SETTLEMENTS OF CLAIMS ARISING FROM VEHICLE ACCIDENTS.

H. THERE ARE A NUMBER OF LOCAL INSURANCE
COMPANIES WHO PROVIDE AUTOMOBILE LIABILITY INSURANCE
TO DIPLOMATS WHO SEEK SUCH COVERAGE. AID OF HOST
GOVERNMENT IN OBTAINING SAME IS NOT REQUIRED.

I. THE SAME INSURANCE RATES APPLY TO DIPLOMATS
AS WELL AS TO PRIVATE CITIZENS.

J. THERE IS NO DIFFERENCE IN THE CONTRACT
WRITTEN FOR DIPLOMATS.

K. HOST GOVERNMENT DOES NOT REQUIRE EMBASSIES
OF INSURED DIPLOMATS TO WAIVE IN ADVANCE IMMUNITY
FROM LIABILITY FOR ACTS COVERED UNDER THE INSURANCE
CONTRACT.
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L. THERE IS NO LIMIT ON COVERAGE FOR PERSONAL
INJURY - INSURER MUST PAY WHAT THE COURT DIRECTS
(UNLIMITED LIABILITY). WITH RESPECT TO PROPERTY
DAMAGE CLAIMS, THE MAXIMUM THE INSURER MAY BE REQUIRED
TO PAY IS \$34,000.

M. THE PREVAILING SYSTEM APPEARS TO BE ADEQUATE.
POST IS UNAWARE OF CASES OF PERSONAL INJURY OR DEATH
CAUSED BY DIPLOMATS WHERE THERE HAS BEEN NO, OR
INADEQUATE, COMPENSATION RESULTING FROM LACK OF
INSURANCE, OR FAILURE OF INSURANCE COMPANY TO SETTLE.

N. NEITHER EMBASSY NOR LOCAL INSURANCE
REPRESENTATIVE ARE AWARE OF SYSTEM WHEREBY PERSONS
SUFFERING DAMAGE AT HANDS OF DIPLOMATIC PERSONNEL
RECEIVE COMPENSATION FROM HOST GOVERNMENT.

2. THE FOREGOING INFORMATION IS PROVIDED BASED ON
POST'S EXPERIENCE AND ADVICE OF LOCAL INSURANCE
REPRESENTATIVE.
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